

Message Text

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PAGE 01 NEW DE 01183 260956Z
ACTION NEA-10

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P 260850Z JAN 77
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC PRIORITY 794

LIMITED OFFICIAL USE NEW DELHI 1183

E. O.11652: NA
TAGS: CGEN,PINS, IN
SUBJECT: DWEVEDI CASE

REF: STATE 15791, NEW DELHI 590 AND 989

1. DWEVEDI ATTORNEY LAHOTY ADVISED HIS CLIENT BY CABLE PATNA ON JANUARY 21 THAT BAIL HAD BEEN GRANTED BUT AS YET HAS HAD NO RESPONSE. LAHOTY STATES HOWEVER THAT IN CONVERSATIONS WITH DWEVEDI BEFORE HE LEFT NEW DELHI AND IN A LETTER FROM PATNA WRITTEN BEFORE NEWS OF BAIL REACHED HIM DWEVEDI INDICATED "HIS RELATIVES" WOULD TAKE CARE OF BAIL WHEN GRANTED. LAHOTY BELIEVES HE REFERRED PRIMARILY TO HIS WIFE AS HIS BROTHER AND RELATIVES IN INDIA WOULD NOT BE ABLE TO RAISE SUCH A SUM FOR HIM.

2. LAHOTY FEELS THAT IF AT ALL POSSIBLE MRS. DWEVEDI SHOULD ARRANGE FOR BAIL TO BE PAID BEFORE FEBRUARY 1 WHICH IS THE DATE LAHOTY NOW PLANS TO LEAVE FOR PATNA. LAHOTY SAYS THERE IS LITTLE HE CAN DO IN PATNA TO BETTER DWEVEDI'S JAIL CONDITIONS NOR CAN HE REQUEST BAIL FOR DWEVEDI THERE UNLESS THE 10,000 RUPEE AMOUNT HAS BEEN DEPOSTED IN DELHI BEFORE HIS DEPARTURE.

3. LAHOTY BELIEVES IT WOULD NOT BE DANGEROUS FOR MRS. DWEVEDI TO VISIT INDIA. IN FACT, IN VIEW OF RECENT RELAXING
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OF EMERGENCY PROVISIONS, HE NOW THINKS IT EVEN POSSIBLE FOR DWEVEDI TO BE GRANTED BAIL IN PATNA ALSO THUS FREEING HIM BEFORE EVEN THE TRIAL BEGINS TO SEE HIS WIFE AND WORK ON DEFENSE OF HIS OWN CASE. HOWEVER LAHOTY POINTS OUT THAT FIRST PRIORITY APPEARS TO BE PAYING OF BAIL IN NEW DELHI WHICH WILL AT ONCE IMPROVE DWEVEDI'S CHANCES OF GETTING BETTER CONDITIONS IN PATNA JAIL AND GRANTING OF BAIL THERE. MRS. DWEVEDIS

VISIT COULD BE CONSIDERED AFTER THAT.

4. LAHOTY SAYS IT IS IMPOSSIBLE TO SEND MONEY DIRECTLY TO DWEVEDI WHILE HE IS IN JAIL AND KNOWS OF NO MONEY THAT WAS SENT DIRECTLY TO HIM IN DELHI. HE AGAIN SUGGESTS AMERICAN EXPRESS OR BANK TRANSFER TO HIMSELF OR LAWYER TARKUNDE.

5. LAHOTY DOES NOT WANT MRS. DWEVEDI OVERLY ALARMED AT HUSBAND'S JAIL CONDITIONS BUT STATES THAT AS DWEVEDI IS IN PATNA'S DINAPORE SUB-JAIL (RATHER THAN MAIN JAIL) AND THAT HIS RECENT LETTER IS STAMPED BY CENSORS BUT DESCRIBES COLD WEATHER, POOR HEALTH AND CRYPTICALLY MENTIONS VISIT OF HUMAN RIGHTS TEAM FROM THE U. S., ASKING LAHOTY IF HE HAS SEEN OR TALKED WITH THEM, LAHOTY BELIEVES CONDITIONS IN PATNA ARE MUCH WORSE THAN THEY WERE IN DELHI.

6. LAHOTY MUST RETURN TO DELHI FEBRUARY 10 TO TAKE CARE OF LEGAL WORK HERE. WHILE IN PATNA HE WILL DISCUSS DEFENSE IN MISHRA TRIAL AND ATTEMPT FIND LOCAL COUNSEL THERE. HOWEVER, IF HE IS TO PERSONALLY DEFEND DWEVEDI HE WILL ASK TRIAL POST-PONEMENT FOR PERHAPS TWO MONTHS IN ORDER TO FIRST WIND UP CRITICAL CASE IN NEW DELHI.
SCHNEIDER

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Decaption Note:
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Disposition Approved on Date:
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Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Disposition History: n/a
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